

Docket: 71306

PATENT

REMARKS

Upon entry of the above amendment, claims 1, 3, 4, 7, 8, and 10 are pending in this application. The specification has been amended to reflect that the present application is a divisional application of now-issued United States Patent 6, 727,372. In addition, the amendments to the claims presented herein do not present new matter; support may be found in the specification generally, and the claims specifically, as filed.

The Examiner required restriction of the pending claims into the following two groups: Group I, claims 1-4, 7, 8, and 10, allegedly drawn to compounds of formula II wherein A represents anthraquinone, anthrapyridone, or anthrapyridine and a process for preparing those compounds; and Group II, claims 1-4, 7, 8, and 10, allegedly drawn to compounds of formula II wherein A is other than the compounds of Group I and a process for preparing such compounds. According to the Examiner, the inventions of Groups I and II are patentably distinct and so divergent that a reference showing compounds of Invention I (e.g., Group I) would not render compounds of Invention II (e.g., Group II) prima facie obvious. (See Office action at page 2.)

As the Examiner notes, in a telephone interview, the undersigned provisionally elected the invention of Group I, with traverse, for prosecution in the instant application. Applicants hereby affirm the election of the claims of Group I (currently pending claims 1, 3, 4, 7, 8, and 10, in which A is anthraquinone, anthrapyridone, or anthrapyridine). Further, Applicants withdraw the previously stated traversal. In addition, Applicants acknowledge the Examiner's remarks concerning further restriction of Group II in future applications.

Applicants acknowledge the Examiner's helpful reminder concerning non-elected claims and the potential for correction of inventorship.

Claims 8 and 10 stand rejected under 35 U.S.C. §112, second paragraph, for allegedly failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. The Examiner notes that the structure corresponding to formula IXb appears to be missing from claim 8. Likewise, the structure of the colored acidic triazolylthio compound and the structure of the hydroxyalkyl compound appear to be missing from claim 10. Applicants have amended

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claims 8 and 10 to correct the noted errors. Thus, the rejection has been rendered moot and should be withdrawn.

Applicants acknowledge the Examiner's statement concerning allowable subject matter.

Applicants believe the application, and pending claims 1, 3, 4, 7, 8 and 10, to be in condition for allowance. Accordingly, the Examiner is respectfully requested to enter the above amendment and pass the application to issuance.

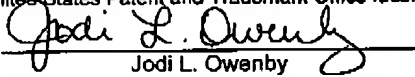
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April 11, 2005
Date

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this paper (along with any paper(s) referred to as being attached or enclosed) is being facsimile transmitted to the United States Patent and Trademark Office facsimile number (703) 872-9308 on the date shown below.


Jodi L. Owenby

April 11, 2005
Date